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09/496,405	02/02/2000	Michiaki Uchikawa	0879-0252P	6155

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EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/496,405

Applicant(s)

UCHIKAWA, MICHIAKI

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the contents of decision blocks S20 in Figure 2 and S54 in Figure 3 are not in proper idiomatic English. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

4. The office notes that the specification contains numerous grammatical errors, some examples of which are given below:

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- i. Replace "such medium" with "such a medium" on Page 1, Line 13.
  - ii. Replace "is displayed on the monitor, it takes a long time to access a large amount of data" with "is displayed on the monitor, a long time is taken due to the large amount of data accessed" on Page 1, Lines 24 and 25.
  - iii. Replace "and therefore, it takes a long time to display the image on the monitor" with "further adding to the amount of time required to display the image on the monitor" on Page 2, Lines 1 and 2.
  - iv. Replace all occurrences of "built in" with "built-in to" on Pages 2, 4 and 9.
  - v. Replace "the frequency in access can be decreased since the amount of data is small" with "the amount of time is reduced since the amount of data read is small" on Page 6, Lines 13 and 14.
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Objections***

6. Claims 2 and 3 are objected to because of the following informalities: the phrase "is built in" gives the impression that the item is actually manufactured inside the item that follows, replace the phrase with "is built-in to". Appropriate correction is required.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,137,534).

**[claim 1]**

In regard to claim 1, note that Anderson discloses a digital camera including or "image file apparatus" which comprises a first data reading device that reads the original image data (Column 8, Lines 1-65), a converting device that converts the original image data read by the image data reading device into a display image data in a display size of a display (Column 6, Lines 15-33; Column 8, Lines 1-65) and an image recording device which records both the original and display image data into a first recording medium (Column 6, Lines 15-33; Column 8, Lines 1-65). Therefore, it can be seen that Anderson lacks an image-recording device, which does not record the display image data when the original image is the same size as the display size.

9. However, Anderson further discloses that the user is typically able to choose the resolution mode in which images are captured (Column 6, Lines 2-6), and that the screennail image or "display image data" may be optional if "the image data can be very rapidly provided to the LCD screen" (Column 6, Lines 21-25). The office notes that it is well known in the art that if an original image is the same size as a display screen, no image processing relating to enlargement/reduction of the pixel size of the image needs

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to take place before displaying the image on the display screen, and that due to the lack of such image processing, the image data can be rapidly displayed. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to not save the scrennail image if the original image is the same size as the display screen in order to save space on the recording medium since the original image can be rapidly displayed on the display screen (Official Notice).

**[claim 2]**

10. In regard to claim 2, note that Anderson discloses a first image data reading device that reads the original image data from a second recording medium that is built-in to a digital camera (Column 8, Lines 1-65; Figure 6, Item 538).

**[claim 6]**

11. In regard to claim 6, note that Anderson discloses a first recording medium, which is detachably mounted in the digital camera or "image file apparatus" (Column 4, Line 53 – Column 5, Line 6; Figure 6, Item 354).

**[claim 7]**

12. In regard to claim 7, note that the digital camera or "image file apparatus" of Anderson comprises a second image data reading device that reads the display image data from the first recording medium when the image data has been recorded (Column 9, Lines 11-43) and a display driver that drives the display to display an image in accordance with the display image data read by the second image data reading device (Column 4, Lines 33-44; Figure 3, Item 390). Therefore, it can be seen that Anderson

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lacks a second image data reading device that reads the original data from the first recording medium when the display image data has not been recorded.

13. However, the office notes that Anderson discloses that the recording of display image data may not be necessary if the image data produced by the image sensor can “be very rapidly provided to the LCD screen”. Anderson also discloses an image display mode in which first a scrennail or “reduced” image is displayed and a higher resolution image taken from the original image data is displayed over the scrennail image to provide a sharper image (Column 6, Line 51 – Column 7, Line 5). In such a system, it is reasonable to expect that if no scrennail image were found on the recording medium that the original image data would be displayed when available without the step of displaying the scrennail image, thus the claimed second image data-reading device is inherent under the teachings of Anderson.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,137,534) in view of Nagasaki et al. (US 5,153,730).

**[claim 3]**

15. In regard to claim 3, note that Anderson discloses an image file apparatus which meets the requirements set forth in claim 1 as discussed above. Therefore, it can be seen that Anderson lacks a second recording medium that is detachably mounted in the digital camera.

16. Nagasaki et al. discloses a digital camera which copies image data from a second recording medium before processing the image data and storing it in a first

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image recording medium (Column 7, Lines 27-45) which are removably connected to the camera (Column 4, Line 64 – Column 5, Line 2) to avoid the use of built in large buffer memories and to allow the camera to have simpler hardware configurations compared to that of the conventional digital camera (Column 7, Lines 27-45).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a removable memory card as the second recording medium as taught by Nagasaki et al. to have a digital camera with a simple hardware configuration.

17. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,137,534) in view of Takahashi (US 5,067,029).

**[claim 4]**

18. In regard to claim 4, note that Anderson discloses an image file apparatus which meets the requirements set forth in claim 1 as discussed above. Therefore, it can be seen that Anderson lacks a first recording medium, which is built-in to the image file apparatus.

19. Takahashi discloses an electronic still camera, which includes an image file storage apparatus, which is built-in to the camera (Figure 10, Items 34, 40 or 56) to reduce the total number of external pieces that the user must carry. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a built-in first recording medium as taught by Takahashi to reduce the number of



pieces a user must carry.

**[claim 5]**

20. In regard to claim 5, note that Anderson discloses an image file apparatus which meets the requirements set forth in claim 1 as discussed above. Therefore, it can be seen that Anderson lacks a first recording medium, which is attached to an outside of the image file apparatus.

21. Takahashi discloses an electronic still camera, which includes an optical recording unit which is detachably linked or "attached to an outside" of the digital camera. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a detachably linked external recording unit or "first recording medium" as taught by Takahashi to decrease the overall weight of the camera.

***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in digital camera image storage and resolution conversion.


- |      |                |              |
|------|----------------|--------------|
| i.   | Kuchta et al.  | US 5,164,831 |
| ii.  | Suzuki         | US 5,724,579 |
| iii. | Hayashi et al. | US 6,618,082 |
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TJH  
12-8-2003

  
WENDY R. GARBER  
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